

Appl. No. 10/719,321
Atty. Docket No. AA551C
Amdt. dated June 26, 2007
Reply to Office Action of February 26, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-12 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to recite sanitary napkins specifically, rather than disposable absorbent articles generally. Support for this amendment can be found at page 4, line 4.

Claim 1 has been amended to recite limitations with respect to the indication means. Support for this amendment can be found at Claim 4, now cancelled

Claims 4, 10, 11 and 12 have been cancelled.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Interview Summary

On 4 April 2007 Applicants representative and the undersigned herein interviewed Examiner Paula Craig and Karin M. Reichle in person at the USPTO. We discussed replacing "indication means" by language of Claim 4. Discussed limiting Claim 1 to sanitary napkins. Discussed motivation to combine Lash, Brisebois, and Kuske. The amendments herein are a result of these discussion, in which no agreement was reached at the time.

Rejection Under 35 USC §103(a) over U.S. Patent No. 5,897,542 to Lash et al., in view of U.S. Patent No. 6,318,555 to Kuske et al., and further in view of U.S. Patent No. 6,454,095 to Brisebois et al.

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Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,897,542 to Lash et al., in view of U.S. Patent No. 6,318,555 to Kuske et al. and further in view of U.S. Patent No. 6,454,095 to Brisebois et al.

Because Claim 1 has been amended to include the limitation of Claim 10, Applicants respectfully submit that amended Claim 1 is allowable over U.S. Patent No. 5,897,542 to Lash et al., in view of U.S. Patent No. 6,318,555 to Kuske et al. and further in view of U.S. Patent No. 6,454,095 to Brisebois et al., and the rejection should be withdrawn.

Rejection Under 35 USC §103(a) over Business Wire "Playtex Products announce tampon initiatives" (hereinafter Playtex) in view of U.S. Patent No. 6,318,555 to Kuske et al. and further in view of U.S. Patent No. 6,454,095 to Brisebois et al.

Claims 1-4, 7, and 10 are rejected under 35 USC §103(a) as being unpatentable over Business Wire "Playtex Products announce tampon initiatives" (hereinafter Playtex) in view of Kuske and further in view of Brisebois.

Claims 4 and 10 are cancelled.

Claim 1 as amended is directed to sanitary napkins. Playtex discloses nothing with respect to sanitary napkins. Therefore, Applicants submit that as a primary reference the Playtex fails to support a *prima facie* case of obviousness because there is absolutely no teaching or suggestion of any benefit of modifying the tampons of Playtex to be sanitary napkins. Therefore, regardless if one were motivated to put a window on Playtex, and include indications means, neither of which are suggested, one would not achieve the claimed subject matter.

Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness for Claims 1-4, 7, and 10 under 35 USC §103(a) as being unpatentable over Business Wire "Playtex Products announce tampon initiatives" (hereinafter Playtex) in view of Kuske and further in view of Brisebois.

Accordingly, Applicants respectfully request that the rejection of Claims 1-4, 7, and 10 under 35 USC §103(a) as being unpatentable over Business Wire "Playtex

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Products announce tampon initiatives" (hereinafer Playtex) in view of Kuske and further in view of Brisebois, be withdrawn.

Rejection Under 35 USC §103(a) over U.S. Patent No. 6,318,555 to Kuske et al. in view of U.S. Patent No. 5,897,542 to Lash et al., and further in view of U.S. Patent No. 6,454,095 to Brisebois et al.

Claims 11-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,318,555 to Kuske et al. in view of U.S. Patent No. 5,897,542 to Lash et al., and further in view of U.S. Patent No. 6,454,095 to Brisebois et al.

Claims 11 and 12 are cancelled. Accordingly, Applicants submit the rejection is moot.

Double Patenting

Claims 1-2, 4, 10, 11, and 12 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 3 and 5 of Molina (6,601,705) in view of Lash.

Applicants respectfully disagree with the characterization of the instant claims. The instant claims differ by more than simply not having more than one type of absorbent article in the package. Not only does not Molina not teach more than one type of article, Molina fails to teach the claimed indications means. Lash does not make such additional claim limitations obvious.

Applicants submit the double patenting rejection is in error, and respectfully request it be withdrawn.

Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. Applicant's attorney respectfully requests that the rejections of the claims be reconsidered in light of

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the claim amendments and arguments set forth herein and that claims 1-3 and 5-7 be allowed. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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Date: June 26, 2007
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